IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY EIGHTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 674 of 2005

Between:

Syed Dastagir Pasha S/o.Late Syed Murshad Pasha
R/o.17-2-1198/9/A Jawaharpura, Yakuntpura, Hyderabad-23.

..... PETITIONER

AND

Registrar, Moulana Azad National Urdu University
Gachibowli, Hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of a writ of Mandamus directing the Respondent to allot a seat to the petitioner in the B.Ed Course 2004-2005. Since the Respondent not communicating the marks sheet and rank-card and not sending the letter for counseling to the Petitioner adversely affecting his right of admission is illegal, arbitrary and violative of Article 14 of the Constitution of India and pass such order or orders.

Counsel for the Petitioner : MR. K.CHAKRADHAR RAO

Counsel for the Respondent : Mr. Deepak Bhattacharjee

The Court at the stage of admission made the following :

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THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.674 OF 2005

ORDER :

The respondent University issued a publication dated 31-10-2004 calling for applications for admission to the One Year Regular Course and Two Year Distance Education Course of BEd. In pursuance thereof, the petitioner applied for admission to the One Year B.Ed. Course. He was issued a hall-ticket by the respondent University and accordingly appeared for the entrance examination conducted on 19-12-2004. The petitioner states that the respondent University issued a Press Note in Siasat Urdu Daily dated 16-01-2005 stating that the results of the entrance examination have been announced and that the counselling for admissions will be held on 17-01-2005 and that those who received the letters from the University will have to be present for the counselling. The petitioner alleges that the respondent has neither published the results of the entrance examination as mentioned in the Press Note dated 16-01-2005 nor the result or mark-sheet or rank card was communicated to the petitioner as is the normal practice in any entrance

examination. It is also alleged that the number of seats available has not been mentioned either in the Press Note or in the Prospectus and the quota of seats allotted to Physically Handicapped, Women, SCs & STs is not shown. It is also contended that whereas the counselling is scheduled on 17-01-2005, the Press Note issued one day in advance i.e, on 16-01-2005 informing about the counselling is unjustified since it is impossible for the candidates from distant places to come to Hyderabad and to attend the counselling. Thus, it is contended that the respondent University failed to conduct the admissions in a fair and transparent manner and the procedure followed by the respondent University is likely to result in denying seats to meritorious and deserving candidates. It is further pleaded that when he approached the respondent University, he was orally informed that he secured 48 marks out of 100 marks and that he got 22nd rank in the entrance examination. The petitioner states that he is a Ph.D holder in Economics from Osmania University and he was confident of securing a good rank and that apart being a physically handicapped person, he stands a fair chance of getting a seat at least in the reserved quota for the physically handicapped. Hence, this writ petition seeking a declaration that the action of the respondent University in not communicating the marks-sheet and rank card and not sending the letter for counselling to the petitioner is arbitrary and illegal and for a consequential direction to allot the seat to him in the B.Ed. course for the academic year 2004-05.

On behalf of the University, the Deputy Registrar has filed a counter-affidavit stating that the respondent university was granted approval by the National Council for Teacher Education (N.C.T.E.) for starting B.Ed. course in Urdu Medium in three disciplines namely Mathematics, Physical & Biological Sciences and Social Studies. The total number of seats which the respondent is entitled to fill up is 100 as per the permission accorded by the National Council for Teachers Education. Out of the 100 seats, 35 seats are allotted to Social Studies, 30 seats are allotted to Mathematics and 35 seats are allotted to Physical and Biological Sciences. The University conducted the entrance test to fill up the 100 seats and the merit list was prepared on the basis of the marks secured by the students in the entrance examination. Seats were also reserved as per the instructions issued by the Central Government for the Central Universities. Even in the physically handicapped quota, the marks secured in the entrance examination in order of merit was taken into

consideration. The 3% reservation for physically handicapped was divided into three disciplines equally with one seat in each discipline. In view of the above circumstances, the seats allotted for the physically handicapped persons in Social Studies discipline was fixed at one. The candidatures of 14 students under physically handicapped quota for Social Studies discipline was taken into consideration in order of merit. The 17th rank holder Sri Abdul Khalique who secured 53 marks out of 100 marks was considered for the physically handicapped quota in order of merit and the said Abdul Khalique with Hall Ticket No.04013408 was allotted the seat under physically handicapped quota in Social Studies discipline or stream. The University had sent the letters to the selected candidates on 7-1-2005 inviting them to attend the counselling for admission on 17-1-2005. Even after that, it was also informed through the Press Note on 16-1-2005. In pursuance thereof, 91 candidates out of 100 reported and completed the admission formalities on 17-01-2005. Out of the remaining nine candidates, six candidates were admitted on 27-1-2005, other three also completed the formalities of admission on 4-2-2005. Thus, all the 100 candidates selected for admission to the B.Ed. regular course of the University on the basis of merit and as per the provision of reservation got admission and the classes are also commenced from 18-1-2005. The entrance examination was conducted on 19-12-2004 and the result was declared on 6-1-2005 and was placed on the notice-board of the University on the same day. The selected candidates on merit basis were informed through letters on 7-1-2005. The complete result was also put on University's web site. With regard to the number of seats, it is submitted that in the university's admission notification published in the newspapers on 7-11-2004, the number of candidates to be admitted has been very clearly shown as 100. Thus, all the allegations made by the petitioner were denied and it was pleaded that the writ petition is devoid of merit and liable to be dismissed.

I have heard the learned Counsel for both the parties and perused the material on record.

From the counter-affidavit filed on behalf of the respondent University, it is very clear that the respondent has allotted the total seats of 100 subject-wise duly following the provisions of reservation as laid down by the Government of India. Out

of the 17 candidates appeared for the entrance test under the physically handicapped category, three candidates were admitted one each in the three disciplines. So far as Social Studies subject is concerned, in respect of which the petitioner has applied, whereas the petitioner got 22nd rank, one Sri Abdul Khalique secured 17th rank having scored 53 marks. Hence, he was given admission. Maybe that the news-item was published one day in advance i.e, on 16-1-2005, however the respondent states that letters were sent to all the selected candidates on 7-1-2005 itself. That apart, the complete results were also put on University Website. The list of selected candidates produced by the learned Counsel for the respondent shows that all the candidates who were given admission in Social Studies Discipline secured higher rank than the petitioner except one candidate with 28th rank who was given admission under S.T. Quota.

In view of what has been stated in the counter-affidavit explaining the procedure followed by the respondent University, I do not find any substance in the contentions of the petitioner.

Accordingly, the Writ Petition is dismissed. No costs.

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28TH March, 2005.

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To

1. The Registrar, Moulana Azad National Urdu University
   Gachibowli, Hyderabad.

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